merits are detailed in the description of expansion projects in the POLA/POLB, that Pier 400 will be a "modern terminal [providing] efficient, high-volume transfer of crude oil and intermediate petroleum products through a drain-dry pumping pipeline and storage system that would maximize the overall crude handling efficiency and capacity of the terminal."[57] Reasoning for why Pier 400 is not preferred are primarily founded on uncertainties associated with Pier 400. However, a shorter lease would provide time for CSLC and Chevron to communicate and plan for this option with port authorities, rather than lock Chevron into its Marine Terminal operations for the next 30 years. The merits of Pier 400 and other port projects should be better detailed and researched in the final EIR.

The DEIR also uses the biological impacts of Pier 400 to help discount it as an alternative site for Chevron's oil product exchange operations. It states that an oil "spill would affect sensitive kelp beds in that region."[58] We understand this to mean the kelp beds around Palos Verdes, but the DEIR does not provide any detail or spill modeling information supporting its conclusion that Pier 400 threatens regional kelp forests. An oil spill in Santa Monica Bay could affect the Bay's entire coast, including the sensitive kelp beds located along Rocky Point and the Malibu coast. Potential oil spill impacts to kelp forests from Pier 400 should not be used as a strong reason to remove consideration as the environmentally superior alternative. The accident impact zone is much larger for spills in Santa Monica Bay than the ports, as is evidenced by the oil spill scenarios in Section 4.1.[59] The current mooring poses a far greater environmental risk to kelp beds, rocky subtidal reefs, rocky intertidal zones, wetlands, cetaceans, and submarine canyons.

The DEIR also states that an oil spill in the POLB could result in a "closure of the port and loss of revenue for business." We believe this evaluation is weak for three reasons; one, this should not be a deciding factor in an environmental review; two, the ports are much better suited for oil tanker transfers and oil spill response infrastructure is better as "response times to a spill in the Ports would be notably reduced compared to spills in Santa Monica Bay"[60]; and three, the DEIR does not consider the economic effects of an oil spill along the coast of Santa Monica Bay impacting tourism and aesthetics. For these same reasons, Section 4.3.8, Impacts of Alternatives, should be re-evaluated in the final EIR, specifically lines 23-30, as the figures referenced do not show a change in geographic location of the sensitive receptors, and the kelp beds within Santa Monica Bay are more plentiful and sensitive than kelp beds on the south side of Palos Verdes outside the port breakwater. The same language is used on page 4.3-143, lines 6-13, and should also be re-evaluated.[61]

The final argument the DEIR uses to rule out Pier 400 as a feasible alternative is that it "may require permits from other agencies" and that it might take a "substantial amount of time."[62] Considering that Pier 400's completion is 10 years out, this would be the perfect time to start business agreement and

[57] CSLC EIR #735. **Page 3-39**
[58] CSLC EIR #735. **Page 3-32**
[59] CSLC EIR #735. **Pages 4.1-46 – 4.1-59**
[60] CSLC EIR #735. **Page 4.3-140**
[61] CSLC EIR #735. **Page 4.3-143**
[62] CSLC EIR #735. **Page 3-31**

permit negotiations, and evaluate the capacity and integrity of existing pipelines from the POLA and Chevron's refinery. We urge the CSLC to provide a more thorough evaluation of the full relocation of Chevron's Marine Terminal to Pier 400 in the final EIR. We recommend it be paired with a 10-year lease, and considered as the environmentally superior alternative.

7. If a 10-year lease is not considered, Alternative 3.3.4 (VLCC Use of Pier 400) should be reassessed as the environmentally superior alternative.

Since oil spills pose extremely adverse environmental and economic effects, and the associated impacts are virtually un-mitigatable, the final EIR should reassess its preferred alternative from status quo operations at the Chevron Marine Terminal. As previously mentioned, we urge the CSLC to evaluate a 10-year lease term and identify it as the environmentally superior alternative in the final EIR. However, if the CSLC does not move forward with that approach, we recommend reconsideration of movement of VLCC vessel traffic to POLA/POLB, or in particular Pier 400, as the environmentally preferred alternative since "spills within the ports would still be significant, but they would be potentially less severe."[63] If VLCC vessel operations were to move to the POLA/POLB, the "biological impacts of a spill at the POLA/POLB would be less than the impacts of a spill at the Terminal because of enclosed loading areas and ease of containment within the POLA/POLB."[64]

The Pier 400 project in the POLA/POLB has already gone through the CEQA process and construction is scheduled to be completed in 10 years. Pier 400 is a better environmental alternative for oil tankers than the Marine Terminal for a multitude of reasons, some of which are listed on page 4 of this letter.[65] By CSLC granting Chevron an extended lease and allowing Chevron to use the Marine Terminal in Santa Monica Bay rather than the POLA/POLB like other oil companies, more vessel traffic is created along the Los Angeles coast. As previously discussed, Alternative 3.3.4, moving Chevron's VLCC traffic to Pier 400 would decrease the amount of vessel traffic along the Southern California coast. However, Alternative 3.3.4 does not discuss the reductions in environmental impacts due to operational changes in tanker usage and travel associated with relocation of Pier 400. The Final EIR should explicitly evaluate the environmental impacts associated with lightering and diverting vessels to two different locations, Chevron's Marine Terminal and the ports, and in turn identify that the relocation of VLCC vessel traffic to Pier 400 would be the environmentally superior option. In addition, early arrivals to Chevron's Marine Terminal are frequently diverted to the POLA/POLB until moorings open and they can transit to Chevron's Marine Terminal in Santa Monica Bay. If VLCCs were to make a single call to the ports, then vessel traffic along the Los Angeles County coast would decrease. HTB-7

The reduction in oil spill response time and fire response time to the POLA/POLB as compared to Chevron's Marine Terminal is another reason for the final EIR to more thoroughly consider Pier 400 use for Chevron's VLCC oil vessels in the alternatives analysis. Under Chevron's current oil spill response plans,

[63] CSLC EIR #735. **Page 3-9**
[64] CSLC EIR #735. **Page 3-9**
[65] CSLC EIR #735. **Page 3-17**

vessel response would take 3.5 and 7.5 hours to reach the Marine Terminal.[66] If VLCC vessel operations were moved to the POLA/POLB where bigger spill response vessels and fire boats are located, oil spill response time would be shorter and fire safety and response quicker and more comprehensive.[67] If shortened lease terms are not considered in the final EIR, relocation of VLCC oil vessels to the POLA/POLB should be seriously considered as an option for the environmentally superior alternative. We recommend that the CSLC further research this option in the final EIR.

Comments on Section 4.1 Environmental Impacts – System Safety & Reliability

Chevron's Marine Terminal pipelines and berths are old and the technology is unnecessarily risky when compared to other terminals, especially when compared to oil terminals at the nearby POLA/POLB including Pier 400. Chevron's Berth 3 was built in 1962 and 1970, and is now over 40 years old (the age of Berth 4 was not stated in the Project Description).[68] In addition, all of the Terminal's seafloor pipelines are 40-50 years old (with two out of the six pipelines being extended in 1993).[69] A 30-year lease renewal would age the berths and pipelines to over 70 years old by the end of the proposed lease. Old pipelines can result in oil spills.[70] In an analysis in the Oil Spill Intelligence Report, it was noted that "nearly 47% of pipeline spills have been caused by structural failures, including corrosion and defective pipes. Corrosion alone has accounted for 20% of pipeline spills."[71] Old pipelines, especially those grafted with newer sections, increase the risk of oil spills and should be subject to a shorter lease term. In addition, the technology of a Conventional Buoy Mooring (CBM), as used in Chevron's Marine Terminal, is outdated and risky. For example, in addition to over 60 reported oil spills in 25 years from 1977-2002, Chevron's Marine Terminal has had a significant oil spill due to an anchor snagging and breaking a moored pipeline at Berth 2 while moored in Berth 3 of the Terminal in 1991 (with Berth 2 later removed following the oil spill).[72] According to a NOAA incident report of the 1991 oil spill, 307,000 gallons of diesel-like gas-oil were spilled resulting in a visible oil sheen for four to five miles. After the initial spill, wind and oceanic conditions carried oil to the shorelines between Las Flores Lagoon to Malibu Lagoon. The oil spill then caused wildlife casualties including dead and suffering oiled birds.[73] This real-life oil spill from Chevron's Marine Terminal shows that operations are a real risk to Santa Monica Bay.

HTB-8

9. Pipelines should undergo regular and frequent inspections, including Smart-Pig surveys.

Section 4 of the DEIR discusses Chevron's spill response capabilities and leak detection plans for Marine Terminal operations. It mentions the pressure point analysis and visual inspections that occur while a vessel is berthed at the Terminal[74]; however the DEIR also states that the pipelines are filled with

[66] CSLC EIR #735. **Page 2-27**
[67] CSLC EIR #735. **Page 2-29**
[68] CSLC EIR #735. **Pages 2-7 – 2-10**
[69] CSLC EIR #735. **Page 2-10**
[70] Haddad, K. Crude Awakenings: Could an Exxon Valdez Oil Spill Happen in Southern California? A project of the Santa Monica Baykeeper and Environment Now. August 2000
[71] Interim Project Report to the States/British Columbia Oil Spill Task Force Members Regarding the Pipeline Spill Prevention Project, June 1998
[72] CSLC EIR #735. **Pages 4.1-24 – 4.1-26**
[73] NOAA Office of Oil Spill Response & Restoration. http://response.restoration.noaa.gov
[74] CLSC EIR #735, **Page 4.1-15**

hydrocarbon product between unloading and loading operations.[75] Several questions arose from this section that we would like to see the final EIR address. Are pipeline integrity and leak detection monitors utilized while the berths are inactive, but the pipelines are still filled with material? Are the leak detection monitors the best technology available? If leaks are detected, are there plans beyond initiating suction? What is the level of assurance that the spill will be addressed with this technology? In addition, is there redundancy or back-ups in place for those systems?

Furthermore, according to Table 2-1 in the DEIR, only one of Chevron's six Marine Terminal pipelines has ever had a Smart-pig survey in over 35-45 years of operation.[76] Smart-pig inspection is useful for assessing the stability of pipelines sited along the seafloor and spill incident prevention. It is especially important for evaluating the structural integrity of grafted pipelines (which exist at the Marine Terminal) when there is a planned increase in throughput pressure. Small pipeline leaks may result in the release of non-natural oil product to the Bay. Furthermore, smart-pig inspection can detect weakness in pipeline walls, informing Chevron of a need for repair, thereby preventing a spill. Therefore, we recommend that CSLC require regular and frequent smart-pigging of all Chevron's Marine Terminal pipelines in the final lease. HTB-9

The DEIR fails to identify whether or not Chevron's Marine Terminal pipelines are certified. We urge CSLC staff to research this question and provide further information about pipeline certification in the final EIR. Even modern pipelines, such as the Torch Operating Company pipeline at Platform Irene in Santa Barbara, pose leak risk when there are no certification inspections. In 1997, a Platform Irene pipeline ruptured, spilling an estimated 163 to more than 1,200 barrels of crude oil into the ocean.[77] Without regular and frequent inspections, cavitations in pipeline walls, especially in older, grafted pipelines, may become more frequent and risky to the environment.

10. The final EIR should include an evaluation of whether pre-booming is appropriate for the Marine Terminal.

Pre-booming is one measure used to prevent damage if a spill occurs during oil transfers, because when oil is spilled, every minute counts and pre- or immediate booming is the best line of defense. "Chevron does not place booms in the water around the ship as a simple preventative measure when oil is being transferred … it is, however, a practice that is required during all oil transfers in the [POLA/POLB] and is in fact mandated by the State regulations."[78] [79] Pre-booming is relatively inexpensive and it costs much more to clean up an oil spill than it does to prevent one from spreading in the first place. In addition, it is both economically and environmentally sensible to use the means available to prevent oil spills and stop the effects as soon as possible when there are spills. In fact, pre-booming is required in Washington State and studies and experience demonstrate that 80% of oil is recovered when operations are pre-boomed, or a spill is boomed immediately; whereas if the operation is not pre-boomed or boom is not readily available

[75] CLSC EIR #725, **Page 2-7**
[76] CSLC EIR #735. **Page 2-10**
[77] Torch/Platform Irene Oil Spill Restoration http://www.countyofsb.org/energy/projects/TorchRestoration.asp
[78] Haddad 2000
[79] California Code of Regulations, California State Lands Commission Marine Facilities Division.

for immediate deployment then the recovery rate drops below 10%.[80] [81] According to California's Office of Spill Prevention and Response ("OSPR"), there have been seven oil spills along California's coast during or as a result of marine oil transfers over the past two years and only one was pre-boomed.[82] However, "if vessels pre-boom before transferring oil, they can prevent up to 90% of spilled oil from polluting … and causing subsequent fishery closures, as has been shown in other states that have … pre-booming requirements." [81]

HTB-10

This begs the question as to why this practice is not enforced at Chevron's Marine Terminal, which is an ecologically sensitive open ocean habitat where the risk to the environment is high and more likely than in the ports. Although Chevron has said that ocean conditions and the size of the berths is prohibitive to deploy pre-booms, from patrols in the Bay, Santa Monica Baykeeper has found that "the predominant weather and wave conditions would not render pre-booming ineffective or difficult to deploy."[83] Adjusting pre-deployed booms would take far less time than waiting for an oil spill to happen in order to deploy and adjust booms. An incident report from the U.S. Coast Guard to the Harbor Safety Committee in the POLA/POLB illustrates that pre-booming is an important measure to take in order to minimize the effects of an oil spill.[84] "During a fuel oil transfer between a tanker and barge in the [POLA/POLB], five barrels of fuel oil were discharged into the water during a misguided transfer operation. Both the barge and the vessel had been pre-boomed prior to the transfer … all oil discharged into the water was contained by the boom."[85] We recommend the CSLC include an evaluation of whether pre-booming is appropriate mitigation for its operations at the Marine Terminal in the final EIR.

11. The final lease should include a provision requiring the lease to be reopened to adopt lessons-learned from the Deepwater Horizon spill.

We recommend that the final lease include a provision requiring the lease to be reopened upon the approval of any lessons-learned review documents on new state or federal requirements stemming from the Deepwater Horizon oil spill. That way the public will have an opportunity to review and recommend the type, scope, and scale of federal recommendations that are applicable to our local project.

HTB-11

12. The following sections include our detailed comments on the various sections of the DEIR

A. Comments on Section 4.3 Environmental Impacts – Biological Resources

We support the discussion of environmental impacts from oil spills to marine biological resources in Section 4.3, Impact BIO 1, and agree that the overall impact be rated as Class I significant. We agree with the DEIR's statement that:

[80] State of Washington, Department of Ecology. *Pre-Booming: At-A-Glance.* http://www.ecy.wa.gov/programs/spills/prevention/Prebooming/prebooming.html
[81] *Legislation to Prevent Oil Spill Damage Goes to Governor: Precautionary booming requirements to avert catastrophic oil spill contamination awaits action by Governor* http://www.pacificenvironment.org/article.php?id=3341
[82] California Department of Fish & Game, Office of Spill Prevention and Response http://www.dfg.ca.gov/ospr/
[83] Haddad 2000
[84] United States Coast Guard Briefing to the POLA/POLB Harbor Safety Committee. June 6, 1999
[85] Haddad 2000; U.S. Coast Guard 1999 Briefing

> "The proposed Project has the potential for oil spills. Significant biological impacts would likely result from an oil spill, including increased exposure risks resulting from spilled oil and impacts to biota and habitats from both the spill, and cleanup and remediation activities. Oil spills to the marine environment have the potential to significantly impact many components of the ecosystems within Santa Monica Bay and the SCB, in part because they can spread rapidly over great distances, and are difficult to detect and cleanup."[86]

HTB-12

Given this knowledge, along with the specific impacts to biological resources discussed in Section 4.3, impact classification within the DEIR cannot be underestimated. The mitigation options associated with the Marine Terminal are also extremely important, since this is such a high stakes project.

B. Impact BIO-1 - Plankton

Redondo Beach Submarine Canyon is an important ocean habitat in the "open coast" and supports large populations of plankton, which in turn support endangered baleen whales that frequent Santa Monica Bay's waters. The DEIR states that "oil spills have measurable effects upon marine phytoplankton and zooplankton … includ[ing] mortality, reduced growth, and reduced photosynthesis."[87] However, even given the effects of oil spills on plankton, the DEIR states that "oil spill impacts to plankton on the open coast are expected to be adverse, but less than significant (Class III)."[88] We suggest that this classification be changed to Class I, as any impact to Santa Monica Bay's plankton population could have a strong effect on whales and other marine life in Santa Monica Bay. A study by NOAA found that areas with complex bathymetry and convergence of boundary currents can "entrain and concentrate zooplankton and thereby attract the blue whales."[89] Regions of upwelling along the California coast with steep topography (like Redondo Submarine Canyon) can accumulate and maintain large concentrations of krill, on which baleen whales feed.[90] [91] It is clear that there are ecological linkages between large concentrations of whales to upwelling conditions of the Southern California Bight and the appearance of plankton offshore in Santa Monica Bay. Although the impact of oil spills on marine mammals is classified as significant Class I in the DEIR, we recommend that the impact of oil spills on plankton should also be identified as significant Class I, especially given the multitude of endangered Blue Whales (30-60 individuals) that spent months in Santa Monica Bay this summer and fall feeding on krill in Redondo Submarine Canyon.

HTB-13

C. Impact BIO-1 - Marine Turtles

We agree with the DEIR's assessment of the impact of oil spills on marine turtles, and that "oil spills can adversely affect marine turtles by toxic internal contact, toxic ingestion or blockage of the digestive tract,

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[86] CSLC EIR #735. **Page 4.3-101**
[87] CSLC EIR #735. **Page 4.3-106**
[88] CSLC EIR #735. **Page 4.3-106**
[89] Moore, S.E., W.A. Watkins, M.A. Daher, J.R. Davies and M.E. Dahlheim. 2002. *Blue Whale Habitat Associations in the Pacific: Analysis of Remotely-Sensed Data Using a Geographic Information System*. Oceanography, 15(3):19-25.
[90] Croll, D.A., B.R. Tershy, R. Hewitt, D. Demer, S. Hayes, P. Fiedler, J. Popp and V.L. Lopez. 1998. *An Integrated Approach to the Foraging Ecology of Marine Birds and Mammals.* Deep-Sea Res. II, 45:1353-1371.
[91] Fiedler, P.C., S.B. Reilly, R.P. Hewitt, D. Demer, V.A. Philbrick, S. Smith, W. Armstrong, D.A. Croll, B.R. Tershy and B.R. Mate. 1998. *Blue Whale Habitat and Prey in the California Channel Islands.* Deep-Sea Res. II., 45:1781-1801.

disruption of salt gland function, asphyxiation, and displacement from preferred habitats."[92] The impacts are especially important to illustrate since Santa Monica Bay supports threatened and endangered species of marine turtles, including green sea turtles, leatherback sea turtles, loggerhead sea turtles, and olive ridley sea turtles.[93] However, we disagree that the impact of oil spills on marine turtles be classified as "potentially significant (Class II)," and recommend that the impacts instead be classified as significant, Class I. As recognized in the DEIR "oil spill impacts to marine turtles are considered to be adverse,"[94] this is further supported by devastating impacts experienced by sea turtles from the Deepwater Horizon spill in the Gulf.[95] [96] The DEIR concludes impacts to sea turtles as Class II based upon their frequency of occurrence in the Bay, specifically it states that "marine turtles are not commonly encountered in the area of the proposed Project." [97] Although sea turtles are less common than other species in the area adjacent to the proposed project, this does not warrant a Class II potential significance. Due to the sensitive and rare nature of these species, impacts associated with the proposed project should be considered severe and classified as Class I in the final EIR.

HTB-14

D. Impact BIO-3

Although the DEIR thoroughly discusses vessel traffic and marine construction impacts, the significance classification should strengthened to Significant Class I. Even with the listed mitigation measures in the DEIR, sensitive and valuable marine biological resources will be significantly affected by the Project. We recommend that the final EIR change the significance classification, especially because the DEIR states that vessel traffic is expected to increase by 40% over the next 30 years, and the aging infrastructure will likely undergo significant marine construction.[98] Supporting our recommendation, the DEIR states that:

> "The potential increase over baseline conditions would result in approximately 487 vessel calls per year to the Marine Terminal by the end of the lease period. Traffic increases would heighten the probability of vessel collisions with marine animals as well as result in an overall increase in background marine noise levels. If impacts to marine mammals or turtles occur from increases in vessel traffic, they would be significant because several marine mammal species and all four of the marine turtles known to inhabit the region are protected under the Endangered Species Act, while all marine mammal species are granted additional protection under the Marine Mammal Protection Act of 1972 (Significant, Class I)."[99]

HTB-15

Collisions and disruption of marine mammal behavior are significant environmental effects of vessel traffic, and Chevron's Marine Terminal operations are in "proximity of various species migration routes to the nearshore marine traffic lanes."[100] In addition, an increase in vessel traffic could greatly impact

[92] CSLC EIR #735. **Page 4.3-115**
[93] Santa Monica Bay National Estuaries Program http://water.epa.gov/type/oceb/nep/programs_smb.cfm
[94] CSLC EIR #735. **Page 4.3-115**
[95] *Deepwater Horizon oil spill: turtle deaths soar amid fight to save wildlife.* http://www.guardian.co.uk/environment/2010/may/03/deepwater-horizon-oil-spill-turtle-deaths-soar
[96] *From Oceana: Deepwater Horizon Oil Spill Proves Deadly for Sea Turtles in Gulf of Mexico.* http://marinebio.org/blog/?p=1458
[97] CSLC EIR #735. **Page 4.3-115**
[98] CSLC EIR #735. **Page 2-30**
[99] CSLC EIR #735. **Pages 4.3-121 – 4.3-122**
[100] CSLC EIR #735. **Page 4.3-124**

endangered blue whales that come to feed on krill in Santa Monica Bay, and gray whales that migrate through the area each year. The DEIR goes on to state that "collisions between vessels and whales occur frequently off the California coast" and "the proposed increases in vessel traffic associated with the proposed Project would heighten the probability for collisions between vessels and protected marine species."[101] Although we support mitigation measures, given these facts, impacts should still be classified as Class I significant after mitigation, especially given the projected increase in vessels calling on Chevron's Marine Terminal

E. Mitigation Measures: BIO-3a

As these measures relate to sensitive, protected marine species such as marine mammals and sea turtles, we recommend that the language be strengthened in BIO-3a mitigation measure 5. In addition we have recommendations for additional mitigation measures or lease terms that could be incorporated into the final EIR.

One area of the mitigation measures we recommend be strengthened is that of limiting vessel speed of oil tankers in Santa Monica Bay as "vessel speed has been implicated as a key factor in the frequency and severity of vessel strikes to large whales (Silber et al. 2009)."[102] In mitigation measure 5, when NOAA recommendations are listed, we suggest that "groups" and "large assemblages of cetaceans" be specified in the final EIR. We suggest using NOAA's Pacific coast recommendations that when five or more whales (what could be considered a large assemblage or group) are in close proximity to vessels, then a notice is sent out to mariners to reduce speed to 10 knots or less until the whales leave the area at the end of their feeding season.[103] This is how the Channel Islands National Marine Sanctuary currently operates, and we believe that given the large numbers of endangered blue whales that have been documented in Santa Monica Bay this year and frequent gray whale transit through the area, that Chevron's Marine Terminal vessels also follow NOAA's definitions and recommendations. According to NOAA, **"**a 10 knot speed limit is mandated by NMFS to protect North Atlantic right whales and has been recommended by NMFS when blue and humpback whales have been sighted in and near the shipping lanes between Point Conception and Point Dume during the summers of 2008 and 2009."[104] In the mitigation measure, this should also apply to Chevron's Marine Terminal oil tankers and associated vessels. In mitigation measure 5, when a single cetacean is sighted at the surface, vessels are to take "prudent precautionary measures" and the "vessel should attempt to route around the animals."[105] We suggest that the language be more specific and stronger for this mitigation measure. Particularly, we urge the CSLC to specify the "prudent precautionary measures" in the final EIR and require vessels to reroute when whales are nearby (delete "attempt to" from line 20).[106]

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[101] CSLC EIR #735. **Page 4.3-124**
[102] CSLC EIR #735. **Page 4.3-124**
[103] Abramson, L., Polefka, S., Hastings, S., Bor, K. 2009. *Reducing the Threat of Ship Strikes on Large Cetaceans in the Santa Barbara Channel Region and Channel Islands National Marine Sanctuary*. Prepared and adopted by the Channel Islands National Marine Sanctuary Advisory Council. 73 pgs. On line at www.channelislands.noaa.gov.
[104] Abramson et al. 2009
[105] CSLC EIR #735. **Page 4.3-129**
[106] CSLC EIR #735. **Page 4.3-129**

The environmental impacts of increased vessel traffic could be further mitigated with stronger restrictions on Marine Terminal vessel speed in Santa Monica Bay, or with the implementation of alternatives considered in Section 3.0, specifically the suggestion of gradually moving vessels to the ports and Pier 400 rather than the Marine Terminal in 2020. Since the projected increases in vessel traffic are "speculative," but could increase by 40% during the proposed 30-year lease term, a 10-year lease term would allow for monitoring and evaluation of increased vessel traffic on marine life, and specifically vessel collisions, noise disruption, and entanglement of marine species.[107] In addition, NOAA recommendations regarding marine mammal protections associated with vessel traffic could change over that span of a 30 year lease. These protections are important to inform mitigation measures associated with marine vessel projects. Therefore, we recommend a 10-year lease and updates to the mitigation measures as new recommendations are issued from NOAA. HTB-16

We further recommend the CLSC include an additional mitigation measure to avoid whale ship strikes in the final EIR. A good example of what could be required of Chevron's Marine Terminal activities in order to minimize the risk to marine mammals is required for the Liquefied Natural Gas terminal near Stellwagen Bank National Marine Sanctuary. Their regulations include a "license condition implemented for Liquefied Natural Gas (LNG) carriers accessing two new ports in Massachusetts Bay which requires these vessels to slow to 10 nautical miles per hour (knots) or less in response to real-time acoustic detections of right whales."[108] This acoustic detection is a real time capability to detect whales in the vicinity of a ship and through hydrophones on the seafloor that pick up the calls made by right whales when they surface. The sounds signal a satellite, which is transmitted to a University that sends an automatic notice from the Coast Guard to the bridge of the ship. That way, the ships are provided real-time locations of surfacing whales to avoid them during transit. A similar requirement could benefit Chevron's Marine Terminal operations and potentially mitigate this environmental impact. Preserving blue whales and other cetaceans, especially by preventing whale ship strikes in the southern California bight is a priority to NOAA on the Pacific coast.[109] If this option were considered as a mitigation measure in the final EIR, the significance classification would warrant a level II or even a level I, depending on marine mammal experts' evaluations.

As we learn more about whales and ship strikes, Chevron's lease requirements should be updated to reflect updated NOAA recommendations.

F. Comments on Section 5.0 Socioeconomics & Environmental Justice

In the DEIR, the description of impacts to coastal cities in the event of a major spill is weak. BP's recent oil spill in the gulf taught us that in addition to fishing industry impacts, effects to tourism and recreation on coastal cities can be catastrophic and can permeate through a diversity of communities. Alaskan communities are still suffering ecologically and economically more than 20 years after the Exxon Valdez HTB-17

[107] CSLC EIR #735. **Page 2-30**
[108] Abramson et al. 2009
[109] Abramson et al. 2009

spill. Ecological and economic impacts to coastal cities and ultimately southern California are drastically understated in the DEIR and we request that a more thorough analysis be included in the final EIR.

Conclusion

We recognize that there is a demand for oil in California and that Chevron contributes to that need. However, we also know that Chevron's lease is a privilege – not a right. Chevron is using public lands for corporate gain, and as such they have an enormous responsibility to protect the environment and the public trust. Therefore, we urge the CSLC to provide a better, more thorough assessment of port alternatives and that Chevron be granted no more than a 10-year lease for operation of its Marine Terminal.

We appreciate the opportunity to comment on this project.

Sincerely,

Dana Roeber Murray, M.E.S.M.
Staff Scientist
Heal the Bay

Mark Gold, D. Env.
President
Heal the Bay

Liz Crosson, M.S., J.D.
Executive Director
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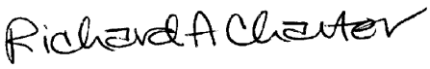

Richard Charter
Senior Policy Advisor, Marine Programs
Defenders of Wildlife

The first is about the advocacy of the alternatives analysis. We read through the various analyses and couldn't find any detailed information about why some of the options were ruled infeasible. It sort of just came up to a general consensus that that was an infeasible alternative without providing the detail as to why that was the -- the general understanding of that particular alternative.

HTB-18

Another concern we have is about the lease terms. Right now the document only looks at the option of a 30 year lease term. But what it does state is that it's based on a one percent growth over an estimated five to ten years, and after that additional growth is speculative. So we think one of the alternatives should be evaluating various links of the lease term, potentially 10, 20 and 30 years, depending upon the certainty or uncertainty of understanding how much capacity is needed at the terminal.

HT-19

And the third is just discussion of the risks of lightering. We understand that lightering operations happen far offshore, not within the vicinity of the project itself. But lightering is a process by which large tanks come in with gas -- with -- with oil or gas product and it's transferred to a smaller boat. And so just a discussion of the environmental risks, both water quality and biological resources' impacts of that operation I think would be very informative in deciding on the ultimate environmental preferred alternative. Thank you.

HTB-20